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ISB # 2207

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)	Subcase No. 92-00021-37
)	
)	MOTION FOR ORDER OF
Case No. 39576)	INTERIM ADMINISTRATION OF WATER RIGHTS
)	IN BASIN 37 PART 1 SW, MOTION FOR ORDER
)	EXPEDITING HEARING AND NOTICE OF HEARING
_____)	

DESCRIPTIVE SUMMARY

This document is the State's motion requesting the Snake River Basin Adjudication ("SRBA") District Court to authorize the Director of the Idaho Department of Water Resources ("Director") to implement interim administration of water rights in Basin 37 Part 1 SW in accordance with the most current Director's Report for Basin 37 Part 1 SW, or in accordance with partial decrees that have superseded the Director's Report. This document further requests the District Court to provide an expedited hearing for this motion with a hearing set for November 29, 2005.

MOTION FOR INTERIM ADMINISTRATION OF WATER RIGHTS IN BASIN 37 PART 1
SW, MOTION FOR ORDER EXPEDITING HEARING, AND NOTICE OF HEARING

MOTION FOR INTERIM ADMINISTRATION

The State of Idaho moves this Court for an order of interim administration of water rights¹ in Snake River Basin Adjudication for Basin 37 Part 1 SW, pursuant to Idaho Code § 42-1417, in accordance with the Director's Reports for Snake River Basin Adjudication Basin 37 Part 1 SW filed with the Court and partial decrees that have superseded the Director's Reports. The grounds for this motion are as follows:

1. Idaho Code § 42-1417 provides that the district court may, by order, permit the distribution of water pursuant to chapter 6, title 42, Idaho Code, through water districts in accordance with the Director's Report and the partial decrees for water rights acquired under state law or established under federal law. Idaho Code § 42-1417 provides that the district court may enter the order after notice and hearing, if the district court determines that interim administration of water rights is reasonably necessary to protect senior water rights.
2. Interim administration of water rights in Basin 37 Part 1 SW is reasonably necessary because an efficient means of administering water rights from ground water sources and some surface water sources in these basins does not exist. The establishment of water districts for these basins will provide the watermasters with the ability to administer water rights in accordance with the prior appropriation doctrine as established by Idaho law.
3. In accordance with Idaho Code § 42-1417(2)(b), notice of this motion is being provided to all affected claimants in Basin 37 Part 1 SW by mailed notice.

¹ This motion does not seek authorization for interim administration of domestic and stock water rights as defined under Idaho Code §§ 42-111 and 42-1401A(11).

THEREFORE, the State respectfully moves this Court for an order authorizing interim administration of water rights in Basin 37 Part 1 SW in accordance with the Director's Reports for these Basins and the partial decrees that have superseded the Director's Reports. The *Affidavit Of Timothy J. Luke In Support Of Motion For Order Of Interim Administration* and a brief in support of this motion are submitted herewith. Oral argument on this motion is requested.

MOTION FOR ORDER TO EXPEDITE HEARING

The State of Idaho further moves the court for an order to expedite the hearing for consideration of the MOTION FOR ORDER OF INTERIM ADMINISTRATION. The grounds for this motion are as follows:

1. SRBA ADMINISTRATIVE ORDER 1 ("AO1") governs notice of documents filed in the SRBA. Under AO1, this MOTION FOR ORDER OF INTERIM ADMINISTRATION will first appear on the docket sheet issued December 2005, and, thus, this motion would come on for hearing in February 2006, if heard without an expedited hearing schedule.
2. AO1 also provides that the court may order an expedited hearing. This motion requests the court to shorten the time for the hearing date on the State's MOTION FOR ORDER OF INTERIM ADMINISTRATION to November 29, 2005.
3. As the BRIEF IN SUPPORT OF MOTION FOR ORDER OF INTERIM ADMINISTRATION demonstrates, the need for interim administration of the water rights is pressing and immediate. Expedited consideration of this motion, with a hearing set for November 29, 2005, will provide sufficient time for interested parties to respond.

THEREFORE, the State respectfully moves this Court for an order shortening time for consideration of this matter and for an order permitting interim administration of water rights in

MOTION FOR INTERIM ADMINISTRATION OF WATER RIGHTS IN BASIN 37 PART 1
SW, MOTION FOR ORDER EXPEDITING HEARING, AND NOTICE OF HEARING

Basin 37 Part 1 SW in accordance with the most current Director's Reports for this Basin, or in accordance with partial decrees that have superseded the Director's Report. The Affidavit of Timothy J. Luke and a brief in support of these motions are submitted herewith. Oral argument on this motion is requested.

DATED this 2nd day of November 2005.

LAWRENCE G. WASDEN
ATTORNEY GENERAL



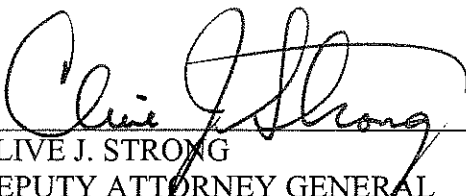
CLIVE J. STRONG, DEPUTY ATTORNEY GENERAL
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NOTICE OF HEARING

Notice is hereby given that the MOTION FOR AN ORDER TO EXPEDITE HEARING and MOTION FOR INTERIM ADMINISTRATION OF WATER RIGHTS IN BASIN 37 PART 1 SW will be heard on November 29, 2005 at 1:30 at the SRBA District Court, 253 3rd Avenue North in Twin Falls, Idaho.

DATED this 2nd day of November 2005.

LAWRENCE G. WASDEN
ATTORNEY GENERAL



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